

CITY COUNCIL MEETING
April 12, 2012 at 8:30 a.m.

CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
COUNCIL CHAMBERS, CITY HALL

The City Council of the City of Abilene, Texas met in Regular Session on April 12th at 8:30 a.m. in the Council Chambers at 555 Walnut Street. Mayor Archibald was present and presiding with Councilmen Shane Price, Joe Spano, Robert O. Briley, Anthony Williams, Stormy Higgins and Councilwoman Kellie Miller. Also present were City Manager Larry Gilley, City Attorney Dan Santee, City Secretary Danette Dunlap, and various members of the City staff.

Councilman Price gave the invocation.

Mayor Archibald introduced Cruz Elias who is a 5th grade student at Reagan Elementary. Cruz led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

PROCLAMATIONS

Mayor Archibald presented the following Proclamations:

April 9-14, 2012

Community Development Week

Sandy Bowen, Office of Neighborhood Services, accepted the proclamation.

April 9-13, 2012

Volunteer Appreciation Week

Dixie Bassett, United Way, accepted the proclamation.

April 20-21, 2012

American Cancer Society

Relay for Life Days

Linda Birdwell, American Cancer Society, accepted the proclamation

Public Safety Telecommunicators Week

Chief of Police Stan Standridge and Wayne Brandt 911 Supervisor, accepted the proclamation

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the March 22nd regular meeting there being no deletions, no additions, and no corrections. Councilman Higgins made a motion to approve the minutes as presented. Councilman Williams seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, Briley, Higgins Councilwoman Miller and Mayor Archibald

NAYS: None

CONSENT AGENDA

Councilman Briley made the motion to approve consent items 6.1 through 6.5 as recommended by staff. Councilwoman Miller seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, Briley, Higgins, Councilwoman Miller and Mayor Archibald

NAYS: None

Ordinance:

6.1 Ordinance: (*First Reading*) Change to Chapter 18 “Motor Vehicles and Traffic”, Article X, “Stopping, Standing, Parking,” Article XII, “Schedules,” of the Code of Ordinances; and setting a public hearing on April 26th, 2012.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE AMENDING CHAPTER 18, “MOTOR VEHICLES AND TRAFFIC,” ARTICLE X, “STOPPING, STANDING, PARKING,” AND ARTICLE XIII, “SCHEDULES,” OF THE ABILENE MUNICIPAL CODE AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING.

Oral Resolutions:

6.2 Oral Resolution: City Council authorized Amendment No. 1 to Professional Services Contract for Hamby Wastewater Treatment Plant Improvements.

On August 11th, 2010 the City of Abilene contracted with Enprotec/Hibbs & Todd, Inc. (eHT) for the Hamby Wastewater Treatment Plant (HWWTP) Improvements. That contract includes the design of a new influent flow splitter structure and repairs to four primary clarifiers. The contract describes certain additional services made available by the Engineer. Each additional service is an added cost requiring written authorization by the City. One such additional service is to provide a Resident Project Representative (RPR) during construction activities. Amendment No. 1 to the professional services contract authorizes eHT to provide a full time RPR for the duration of Phase I construction activities. Compensation for RPR services shall be on a time and expenses basis per the contract fee schedule and at a cost not to exceed \$97,750.

On February 23, 2012 the Abilene City Council awarded a construction contract to Gracon Construction Inc. for the HWWTP Improvements - Phase I. The project involves installing complex clarification equipment, the construction of a concrete flow splitter structure, the installation of large diameter piping at and near active process facilities, and making time-sensitive tie-in connections. This project will require a high level of coordination, communication, observation, and inspection in order to provide quality control and to minimize disruption of plant processes and maintain adequate plant performance. The Project Engineer and Water Department staff strongly recommends the use of a RPR by eHT for the duration of construction activities on this project.

RPR authorized by Amendment No. 1 is associated with CIP Project Number 8070-02-05 Insert Lines, Replace Splitter, and Repair Clarifiers. Funds for RPR will come from the Water Department’s “Unrestricted, designated for capital projects” Fund Balance.

6.3 Oral Resolution: City Council authorized the City Manager to execute the amendment to the Schneider Electric Contract.

This change order is being completed in accordance with Local Government Code, Section 302.004 (a-1) which allows a local government to use any available money other than borrowed from the State to pay a provider of energy or water conservation measures for work related to measures identified in the scope of an energy saving performance contract without such costs being paid solely out of the savings realized under the contract.

The City of Abilene is working with Schneider Electric as our preferred contractor for energy conservation for projects since 2005 with certificates of obligation. A change order was approved by Council in 2009 amending the contract between the City and Schneider Electric to complete energy measures with the Energy Efficiency and Conservation Block Grant (EECBG) funds. This will continue to support the long term plan to develop a more efficient HVAC system for the City, reduce electricity load and usage, reduce system-wide maintenance, and bring the HVAC system up to code, which is a significant upgrade for this project. A 20-ton condensing unit is planned to modify and add to the existing roof top mounted fan coil units. Combined the 9-1-1 Center at the Law Enforcement Center (LEC) will have stand alone capacity of 40-tons of air conditioning that separates the 9-1-1 Center from the LEC control plant. The LEC plant will operate more efficiently without the added load from the 9-1-1 Center. Additionally, the new roof top condenser unit will be connected to existing panels electrically fed by the emergency hook-up generator. The total cost of the project is \$210,000.

Bid Awards:

6.4 Award of Bid: CB-1218 Twelve (12) Police Patrol Tahoe's. Caldwell Country Chevrolet of Caldwell, Texas was low bid and their bid was for 2012 or 2013 model vehicles at the same pricing. Lawrence Hall Chevrolet of Abilene was high and only bid 2012 models. The build-out date for the 2012 units was March 15, 2012.

Council approved the purchase of the 12 Police Patrol Tahoe's from Caldwell Country Chevrolet in the amount of \$328,332.00.

6.5 Award of Bid: CB-1219 Five (5) Half-ton Pickup Trucks. Caldwell Country Ford of Caldwell, Texas was low bid on Item 1 and Item 2. Caldwell Country Chevrolet of Caldwell, Texas was low bid on Item 3. Arrow Ford did not meet specifications in regard to the heavy duty suspension on Items 1 and 2. Lawrence Hall withdrew their bid as the build-out date has been surpassed.

Council approved the purchase of the 5 Half-ton Pickup Trucks from Caldwell Country Ford of Caldwell. (3) Regular Cab Pickups \$50,864.00, (1) Extended Cab Pickup \$18,736.00, (1) 4-door Cab Pickup \$25,647.00.

REGULAR ITEMS

7.1 Jon James Director of Planning and Development Services briefed the council on the Ordinance Amending Chapter 29.5 "Swimming Pools and Spas." of the City of Abilene Code of Ordinances.

The purpose of this ordinance amendment is to revise the City's regulations regarding swimming pools and spas to add reference to "interactive water features and fountains". This is to accommodate the proposed splash park facility in Nelson Park. Currently the City's ordinance does not reference these types of facilities. This proposed change will add the appropriate references to this type of facility within the City's

ordinance and will adopt, by reference, the state standards found in Chapter 265, Subchapter M of the Texas Administrative Code, "Public Interactive Water Features and Fountains".

Mayor Archibald opened the public hearing and there being no one present and desiring to be heard the public hearing was closed.

Councilman Higgins made the motion to approve the Ordinance amending Chapter 29.5 "Swimming Pools and Spas." Councilman Spano seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, Briley, Higgins, Councilwoman Miller and Mayor Archibald

NAYS: None

Ordinance #17-2012

AN ORDINANCE AMENDING, CHAPTER 29.5 "SWIMMING POOLS AND SPAS"; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING.

Swimming Pools and Spas

7.2 Jon James Director of Planning and Development Services briefed the council on the Ordinance **Z-2012-06** - A request from North Abilene G2K Development Partners, LLC to rezone property from HC (Heavy Commercial) & MD (Medium Density) to GR (General Retail) zoning, located at 836 & 844 Ambler Ave., 2218 & 2226 Hardy St., and 2217 Walnut St.

The property is zoned HC & MD and has been developed primarily with residential uses. The applicant is proposing to remove the existing structures and develop a larger tract of land for a single use, a Family Dollar store. The MD zoning on the northern properties do not allow for retail uses. The applicant is requesting a zoning that would allow for the retail use and be more appropriate for the Ambler Avenue corridor. The adjacent properties along Ambler have been developed other retail and commercial uses. Residential uses remain on the properties to the north.

The Future Land Use section of the Comprehensive Plan designates this general area as part of a Special Activity area that would include a mix of uses. The subject property is also along an Enhancement Corridor for Ambler Avenue. The area currently includes commercial uses, especially along the Ambler frontage. The GR zoning is an appropriate zoning along the Enhancement corridor as it does not allow some of the more intensive heavy commercial uses. The request would not have a negative impact on the surrounding properties and would be compatible with the existing land uses.

Staff and Planning and Zoning recommend approval.

Mayor Archibald opened the public hearing and there being no one present and desiring to be heard the public hearing was closed.

Councilman Price made the motion to approve the Ordinance **Z-2012-06** - A request from North Abilene G2K Development Partners, LLC to rezone property from HC (Heavy Commercial) & MD (Medium Density) to GR (General Retail) zoning, located at 836 & 844 Ambler Ave., 2218 & 2226 Hardy St., and 2217 Walnut St. Councilman Williams seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, Briley, Higgins, Councilwoman Miller and Mayor Archibald
NAYS: None

Ordinance #18-2012

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

Location: 836 & 844 Ambler Ave., 2218 & 2226 Hardy St., and 2217 Walnut St

7.3 Jon James Director of Planning and Development Services briefed the council on the Ordinance **TC-2012-01** - A request from North Abilene G2K Development Partners, LLC to abandon the east to west alley right-of-way and a 50' portion of the north to south alley right-of-way between Hardy St. and Walnut St. and between Ambler Ave. and Sandefer St.

The applicant intends to abandon the subject right-of-way to develop a larger tract of land for a single use, a Family Dollar store. The portion of the alley to be abandoned does not service any residential uses and no longer provides for any refuse collection. There are homes on the adjacent properties to the north but all access and refuse collection is from the streets.

PLAT REVIEW COMMITTEE

The Plat Review Committee recommends approval of the closure as requested with the following conditions:

1. Where existing utilities are located, the applicant is responsible for providing adequate easements for the maintenance of all utilities or the applicant will be responsible to move all of the utilities;
2. Provide for cul-de-sac turnarounds where the closures will result in a dead-end or provide an alternate connection to the adjacent street network;
3. The applicant must replat within 12 months, at which time all issues regarding access to utilities and relocation of utilities will be resolved. The replat must not create any non-conforming lots.

Staff recommends approval as requested, with the conditions suggested by the Plat Review Committee.

The Planning and Zoning Commission recommended approval by a vote of four (4) in favor (Famble, Glenn, Todd, & Yungblut) to two (2) opposed (Bixby & McClarty).

Mayor Archibald opened the public hearing and there being no one present and desiring to be heard the public hearing was closed.

Councilman Williams made the motion to approve the Ordinance **TC-2012-01** - A request from North Abilene G2K Development Partners, LLC to abandon the east to west alley right-of-way and a 50' portion of the north to south alley right-of-way between Hardy St. and Walnut St. and between Ambler Ave. and Sandefer St. Councilman Price seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, Briley, Higgins, Councilwoman Miller and Mayor Archibald
NAYS: None

Ordinance #19-2012

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A PORTION OF PUBLIC RIGHT OF WAY; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT, AND CALLING A PUBLIC HEARING.

Location: Abandon the east to west alley right-of-way and a 50' portion of the north to south alley right-of-way between Hardy St. and Walnut St. and between Ambler Ave. and Sandefer St.

7.4 Jon James Director of Planning and Development Services briefed the council on the Ordinance **Z-2012-07** - A request from the VFW, agent Deborah Nevarez, to rezone property from MF (Multi Family) to PD-138 (Planned Development) zoning, located at 825 & 933 Veterans Dr. and 6249 Pueblo Dr.

The property is zoned MF and is vacant except for a pavilion in the center of the property. The property is owned by the VFW which is located to the south. The request is to allow for an RV park that would permit members of the VFW to stay on the property for extended periods of time. Currently, the VFW has RV spaces on the north side of their facility. Additionally, the request is proposing to allow for storage units to be developed in the future in the northern part of the property. Properties to the north along Arnold Blvd have GC zoning, which allows for storage units.

The Future Land Use section of the Comprehensive Plan designates this general area as part of a Local Community Center. The property is across from Dyess AFB and near the park at Military Drive. The VFW also provides services to the local area. Arnold Boulevard is a major thoroughfare providing access to Dyess AFB from both the north and south. By complying with the requirements of this PD, the request would not have a negative impact on the surrounding properties and would be compatible with the existing land uses.

Mayor Archibald opened the public hearing and the council heard from:

- Deborah Nevarez – agent for the property, requested support of the zone change.

There being no one else present and desiring to be heard the public hearing was closed.

Staff recommends approval. The Planning and Zoning Commission recommended approval by a vote of six (6) in favor (Bixby, Famble, Glenn, Todd, Yungblut, & McClarty) to none (0) opposed with a condition that the ‘duration of stay’ not apply as long as the VFW owns the property and uses it for this purpose. Staff has modified the language in the ordinance while still addressing the concern of the P&Z Commission.

Councilman Price made the motion to approve the Ordinance **Z-2012-07** - A request from the VFW, agent Deborah Nevarez, to rezone property from MF (Multi Family) to PD-138 (Planned Development) zoning, located at 825 & 933 Veterans Dr. and 6249 Pueblo Dr. Councilwoman Miller seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, Briley, Higgins, Councilwoman Miller and Mayor Archibald

NAYS: None

Ordinance #20-2012

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-138 A PLANNED DEVELOPMENT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

Location: 825 & 933 Veterans Dr. and 6249 Pueblo Dr

7.5 Jon James Director of Planning and Development Services briefed the council on the Ordinance **Z-2012-08** - On a request from Randy Voorhees to amend PD-82 concerning signage, located on the east side of Loop 322 at Lone Star Dr.

The property is zoned PD and has been defined into two tracts: Tract 1 is on the north side of Lone Star Drive and allows a range of uses from residential to retail. The majority of this area has been developed with retail and restaurant uses. Tract 2 is on the south side of Lone Star Drive and allows the same uses as Tract 1 plus some additional uses that are more commercial & service oriented. The primary development in this tract is the Prime Time entertainment facility. The PD allows for free-standing signage; however, only 1 free-standing sign is allowed on Tract 2 and only within the north 250 feet. The request is to allow a 2nd free-standing sign, specifically in front of the Prime Time facility. The proposed sign would be 10 feet by 12 feet with a maximum height of 30 feet tall.

The Future Land Use section of the Comprehensive Plan designates the general area at the intersection of Industrial Boulevard and Loop 322 as a Major Commercial/Business Center. Signage plays an important role in identification to the retail, restaurant, educational and entertainment uses that exist in the area. At the same time, development in the Loop 322 corridor has been held to a higher standard to ensure an attractive corridor through development standards and PD's. The proposed PD achieves a balance between allowing additional signage and the aesthetic standards established in the original PD.

Staff and Planning and Zoning Commission recommended approval.

Mayor Archibald opened the public hearing and there being no one present and desiring to be heard the public hearing was closed.

Councilman Briley made the motion to approve the Ordinance **Z-2012-08** - On a request from Randy Voorhees to amend PD-82 concerning signage, located on the east side of Loop 322 at Lone Star Dr. Councilman Higgins seconded the motion, motion carried.

AYES: Councilmen Spano, Williams, Briley, Higgins, Councilwoman Miller and Mayor Archibald

NAYS: None

ABSTAINED: Councilman Price

Ordinance #21-2012

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-82 AND ORDINANCE NO. 40-2003 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

PART 7: Specific Modifications

ADD: Section D. Signage

Tract 2 (except the north 250')

8. One freestanding sign shall be permitted on the remainder of Tract 2 not to exceed 10 feet by 12 feet in area and not to exceed a height of 30 feet.

7.6 Jon James Director of Planning and Development Services briefed the council on the Ordinance **Z-2012-09** - On a request from Abilene Development Associates for Musgrave Children’s Trust, agent Tal Fillingim, to rezone property from AO (Agricultural Open Space) to MF (Multi Family) zoning, located on the south side of Hwy 351 at Union Ln.

The property is zoned AO and is currently undeveloped. The applicant is proposing to develop the property with a low-income apartment complex. The adjacent properties across Hwy 351 have been developed with a mix of apartments and single-family residential uses. The area adjacent to Hwy 351 is zoned GR and is planned to be developed with retail uses.

The Future Land Use section of the Comprehensive Plan designates this general area as a low density residential. The intersection of Hwy 351 with I-20 is identified as a Major Commercial/Business Center. The City has recently adopted the Highway 351 Development Plan to help define the goals of the corridor. One of the goals of the plan includes: “Encourage the development of mixed income diverse housing including market rate and affordable housing.” The request would not have a negative impact on the surrounding properties and would be compatible with the City’s plans for this area.

Staff and Planning and Zoning Commission recommend approval.

Mayor Archibald opened the public hearing and council heard from:

- Tal Fillingim – agent for the property, requesting approval.

There being no one else present and desiring to be heard the public hearing was closed.

Councilman Price made the motion to approve the Ordinance **Z-2012-09** - On a request from Abilene Development Associates for Musgrave Children’s Trust, agent Tal Fillingim, to rezone property from AO (Agricultural Open Space) to MF (Multi Family) zoning, located on the south side of Hwy 351 at Union Ln. Councilman Spano seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, Briley, Higgins, Councilwoman Miller and Mayor Archibald

NAYS: None

Ordinance #22-2012

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, “LAND DEVELOPMENT CODE,” OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

Location: Southside of Hwy 351 at Union Lane

7.7 Jon James Director of Planning and Development Services briefed the council on the Ordinance **CUP-2012-01** - On a request from The Salvation Army, agent Eddie Chase, for a Conditional Use Permit to allow a Social Service Facility on property zoned RS-6 (Single-Family Residential) and MF (Multi Family), located at 1733 Poplar St. and 1342 Westway Dr.

Currently the property is zoned RS-6 on the northern part of the property and zoned MF on the southern part. The property has been developed with a gym/chapel on the northern half that has been used by The Salvation Army to provide services to their mission. A house existed on the southern half of the property that was used for office and storage. The building has been removed recently. The surrounding properties to the north and west have been developed primarily with single family residential dwelling units with some multi-family units. This property is 1 block west of Butternut Street which is a major commercial roadway zoned HC.

The Future Land Use section of the Comprehensive Plan designates this general area as low density residential. The applicant plans to develop the southern part of the property with a storage/garage building to store a large service vehicle and supplies. Based on the information provided, staff believes a Conditional Use Permit at this location will be compatible with the surrounding uses as long as the proposed conditions are approved.

Staff recommends approval as requested with the following conditions:

1. The site must meet required landscaping standards, regardless of whether triggered by a site plan;
2. No new driveway shall be permitted on Poplar;
3. Any proposed fencing/walls shall meet standards for residential fencing.

Planning and Zoning Commission recommended approval.

Mayor Archibald opened the public hearing and the council heard from:

- Dudley Kidwell, agent for the Salvation Army, requesting approval.

There being no one else present and desiring to be heard the public hearing was closed.

Councilman Williams made the motion to approve the Ordinance **CUP-2012-01** - On a request from The Salvation Army, agent Eddie Chase, for a Conditional Use Permit to allow a Social Service Facility on property zoned RS-6 (Single-Family Residential) and MF (Multi Family), located at 1733 Poplar St. and 1342 Westway Dr. Councilman Higgins seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, Briley, Higgins, Councilwoman Miller and Mayor Archibald

NAYS: None

Ordinance # 23-2012

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART B, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY AND CALLING A PUBLIC HEARING.

Location: 1733 Poplar St. and 1342 Westway Dr

7.8 Megan Santee Director of Public Works, briefed the council on the application/permit to drill and/or operate an Oil and or Gas well (2) Bob Hughes Oil Co., LLC: "Hantman #2 and Hantman #3 wells, Permit No.'s 731493 and 731495

Chapter 21, Oil and Gas, of the City Code requires a permit for drilling and operating oil/gas wells within the city limits. As part of the review process, the City Council is to conduct a public hearing and then approve or deny the permit.

Bob Hughes Oil Company, LLC of San Angelo, Texas has submitted applications to drill the Hantman #2 and Hantman #3 wells on property owned by Joseph Hantman, located west of the Winters Freeway and south of Elm and Little Elm Creeks, as shown on the attached map. These applications have been reviewed and approved by City Staff. All owners of real property within 500 feet of the proposed drill sites have been notified of these applications and of the City Council meeting to consider their approval, as required by City ordinance.

Staff recommends approval.

Mayor Archibald opened the public hearing and council heard from:

- Larry Wellhausen - representative for Bob Hughes Oil Co, in support of the application/permit

There being no one else present and desiring to be heard the public hearing was closed.

Councilman Briley made the motion to approve the application/permit to drill and/or operate an Oil and or Gas well (2) Bob Hughes Oil Co., LLC: “Hantman #2 and Hantman #3 wells, Permit No.’s 731493 and 731495. Councilman Higgins seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, Briley, Higgins, Councilwoman Miller and Mayor Archibald

NAYS: None

7.9 Megan Santee Director of Public Works, briefed the council on the application/permit to Drill and/or Operate an Oil and/or Gas well (3) Bob Hughes Oil Co., LLC: “Hantman A #1”, “Hantman A #2” and “Hantman A #3” wells, Permit No.’s 731496, 731497 and 731498.

Chapter 21, Oil and Gas, of the City Code requires a permit for drilling and operating oil/gas wells within the city limits. As part of the review process, the City Council is to conduct a public hearing and then approve or deny the permit.

Bob Hughes Oil Company, LLC of San Angelo, Texas has submitted applications to drill the Hantman A #1, Hantman A #2 and Hantman A #3 wells on property owned by Joseph Hantman, located north of I-20, east of Highway 83/277 and west of Old Anson Road, as shown on the attached map. These applications have been reviewed and approved by City Staff. All owners of real property within 500 feet of the proposed drill sites have been notified of these applications and of the City Council meeting to consider their approval, as required by City ordinance.

Staff recommends approval.

Mayor Archibald opened the public hearing and council heard from:

- Larry Wellhausen - representative for Bob Hughes Oil Co, in support of the application/permit

There being no one else present and desiring to be heard the public hearing was closed.

Councilman Price made the motion to approve the application/permit to Drill and/or Operate an Oil and/or Gas well (3) Bob Hughes Oil Co., LLC: “Hantman A #1”, “Hantman A #2” and “Hantman A #3” wells, Permit No.’s 731496, 731497 and 731498. Councilman Williams seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, Briley, Higgins, Councilwoman Miller and Mayor Archibald

NAYS: None

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session 10:12 a.m. pursuant to Sections 551.071, 551.074, 551.072 and 551.087 of the Open Meetings Act, to seek the advice of the City Attorney with respect to pending and contemplated litigation, to consider the appointment and evaluation of public officers, to consider the purchase, exchange, lease or value of real property, and to discuss contemplated business prospects and or economic development matters.

The Council reconvened from Executive Session at 10:50 a.m. and reported no votes or action was taken in Executive Session in regards to Sections 551.072 Real Property.

There being no further business the meeting was adjourned at 10:50 a.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor